

**REMARKS**

*§112, 2nd Paragraph*

The Examiner rejected all claims because independent claims 1 and 8 included the word “may”, which the Examiner asserts renders the claims invalid. Pursuant to the Examiner’s comments, Applicants have amended claims 1 and 8 to remove the term “may”. Because the term has been removed from the claims, the rejection is now moot. Applicants accordingly request that the rejection be withdrawn.

*35 U.S.C. §102*

The Examiner rejected claims 1, 6-8, 11, 13 and 14 under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 5,951,694 of Choquier et al. (“Choquier”). Applicants request that this rejection be withdrawn and that all claims be allowed because Choquier does not disclose each element of any of the claims. Particularly, Applicants request that all claims be allowed for at least the reason that Choquier does not disclose a separate metadata service.

Claim 1 recites a storage system with separate metadata, gateway and storage services. Claim 8 recites a storage system with separate storage service and metadata service elements. The Examiner asserts that all elements of claims 1 and 8, including separate storage and metadata servers, exist in Choquier. But the text that the Examiner cites does not describe the relevant entities. Particularly, Choquier does not teach a storage system with separate metadata and storage server elements, as recited in claims 1 and 8.

1. *Choquier does not disclose the separate and independent metadata and storage elements of claims 1 and 8*

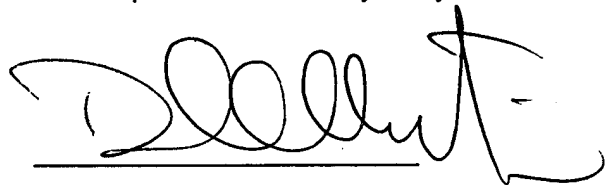
Choquier does not disclose or suggest a system having a metadata service that is separate and independent from the storage service. In the pending application, Applicants explain that the metadata service "can access metadata for various files in a storage system," and that "metadata" is commonly known to include "predetermined information on files contained in the storage system." (See Pending Application at pages 6 and 14). For example, metadata may include information regarding the hierarchy of the file system and the location of the files. (Pending application at page 14, lines 14-21.) The portions of Choquier that the Examiner cites as disclosing a metadata service describe "arbiters 128." The arbiters 128 do not provide a metadata service or access to metadata. Instead, the arbiters 128 are merely a replication mechanism. (Choquier at col. 21, lines 23-32.) As such, the arbiters 128 do not service metadata, such as file location and file system hierarchy information. In fact, the entire disclosure of Choquier does not contain one reference to "metadata" or to a separate service that provides access to metadata. Thus, Choquier fails to teach an independently scalable metadata service that is separate from a storage service, as recited in claims 1 and 8. Therefore, claims 1 and 8 and all claims depending from those claims (i.e., claims 6, 7 and claims 11, 13 and 14, respectively) are allowable over Choquier.

**CONCLUSIONS**

For at least these reasons, Applicant respectfully asserts that all pending claims 1, 6, 7, 8, 11, 13 and 14 are in condition for allowance. The Examiner's early reconsideration is respectfully requested. If the Examiner has any questions, the Examiner is invited to contact Applicant's attorney at the following address or telephone number:

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Respectfully submitted,  
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A handwritten signature in black ink, appearing to read 'D. Alberti', is written over a horizontal line.

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Dated: May 30, 2006